

**A-E JOINT BOARD
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MADISON WI
NOVEMBER 18 2004**

PRESENT: Jay Fernholz, Chair; Rick Van Goethem, Vice Chair; Gary Gust, James Otto, Walter Wilson, Scott Berg, James Dorn, Donna Rozar, Lynda Farrar, Martin Hanson, Dale Paczkowski, Matthew Janiak, James Rusch, Wayne Tlusty and Rosheen Styczinski

EXCUSED: Arno Haering, Jeffrey Knaus, Michael Ohberg, Bernie Abrahamson, Nancy Sobczak, Robert Hoskins, and Ruth G. Johnson, Secretary

STAFF PRESENT: Jerry Lowrie, Bureau Director; Colleen Baird, Legal Counsel; Steven Gloe, General Counsel; and Pat Schenck, Program Assistant

CALL TO ORDER

Jay Fernholz, Chair, called the meeting to order at 9:05 a.m. A quorum of fifteen members was present.

AGENDA

MOTION: Donna Rozar moved, seconded by Wayne Tlusty, to approve the agenda as published. Motion carried unanimously.

MINUTES – APRIL 15, 2004

Amendments to the Minutes Included:

- Page 3 of 7 – Deleted two sentences under continuing education.
- Page 4 of 7 - Motion corrected to state jurisdictional examination.
- Page 5 of 7 - Insert words in sentence and correct reading of another paragraph.
- Page 6 of 7 - Correct paragraph under Land Surveyors Section adding "the professional"

MOTION: James Rusch moved, seconded by James Dorn, to approve the minutes of April 15, 2004 as amended. Motion carried unanimously

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR
COMMITTEE ROSTER**

Mr. Lowrie updated the Board on the practice of law issue and stated that there are currently no changes or updates from the Supreme Court.

Mr. Lowrie reported on the Departments additional budget cuts. The Board questioned why a revenue generating Department is being requested to cut back in order to help the entire state out of the budget crisis. The Board expressed concern over the decreased services in the Department, the lack of funds for Board members to attend National meetings to serve the public's best interest, and stated that if the Department is cutting back 10% of their budget, the Department should cut the fees for the credential holders as they are receiving a 10% decrease in services.

The Board requests that they be updated on the Department's budget crisis at the April 13, 2005, A-E Joint Board meeting.

2005 MEETING DATES

Board members expressed their concerns regarding current vacancies on the individual sections.

PUBLIC HEARING 9:15 A.M. Professional Engineers Land Surveyors

A public hearing was held at 9:15 a.m. in RM 179A, 1400 E. Washington Ave., Madison, WI to consider an order to amend A-E 6.05 (1) and (2)(b); 6.07 (1) and (2) relating to the name of the principles and practice examination for land surveyors. An order to repeal A-E 4.08 (1)(c) and to amend A-E 4.05 (1)(c), (2)(b) and (3)(c) relating to the barrier free design parts of the boards' examinations for professional engineers. There were no appearances at the public hearing.

CODE BOOK POLICY

Mr. Lowrie reported on the Departments new codebook policy. The Department will no longer be printing hard copies of the statutes and administrative codebooks for the professions.

Customers will have three choices for getting the statutes and administrative codes:

1. Print statutes and administrative code from the Department's web site,
2. purchase a printed copy from Document Sales at a cost of \$15.00 for the smallest books, \$20.00 for the mid-sized books and \$25.00 for the larger books, or
3. purchase the entire code book on CD from Document Sales for approximately \$ 6.50.

These prices include shipping and handling.

ADMINISTRATIVE RULES/LEGISLATION ISSUES

ARCHITECTS SECTION

(James Otto, Chair; Walter Wilson, Vice Chair; Gary Gust, Secretary; Arno Wm Haering, and Jeffrey Knaus)

Continuing Education

Mr. Otto reported that the Architect Section is in the process of drafting enabling legislation to implement continuing education. They will be starting the research process and analysis to begin the legislation process.

Rolling Clock

The Section discussed whether they would need a rule change to accommodate NCARB's modifications in rules for access to the examination and it was determined that a rule change would not be required. Previously, a candidate could take the examination as many times as they would like without an expiration date on passing parts of the examination. Any section of the examination that a candidate passed was relevant for a fifteen-year period. Under NCARB's five-year rolling clock, any section of the examination that a candidate passes will only be good for a five-year period. Sections of the examination taken prior to the five-year period will fall away.

NAAB Accredited Degree

The Section discussed whether they should pursue requiring an NAAB accredited degree and to have the experience option fall away as the only avenue to licensure as an architect.

During the last legislative session, the Section was proposing drafting statute and rule changes that would require upgrading the two years to three years with an accredited degree and seven years to ten years without an accredited degree.

The Section agreed to drop the experience rule and legislation and pursue the NAAB accredited degree. Mr. Otto met with the Secretary and other jurisdictional Board members to discuss the processes to move in this direction. This will require a statutory change and not an administrative rule change.

Design Build

The Section will discuss design build at their next Section meeting.

Experience Requirement/IDP Adjustment

NCARB has an intern development program that they administer. Wisconsin has an alternate process that requires more experience than NCARB's process. Wisconsin's current experience requirements and degree requirements locks professionals into the State of Wisconsin as other states are requiring a NAAB degree.

Prototypical Documents

There are a number of clients including UPS and the US Post Office that have standard documents that they require architects to use and incorporate into their drawing sets which is considered plan stamping and is considered illegal. Continuing education and requiring an accredited degree are higher on the Section's list.

Discussion of Stats. 443.03 (2)- Registration Requirements

The NCARB examination differs in that if a candidate does not have the experience prior to taking the examination the candidates may have a difficult time passing the examination.

Other Issues Raised Related to Administrative Rules

None.

PROFESSIONAL ENGINEERS SECTION

(Lynda Farrar, Chair; Nancy Sobczak, Vice Chair; Martin Hanson, Secretary; and Dale Paczkowski)

Barrier Free Hearing

Lynda Farrar reported that the Section had a hearing to eliminate the barrier-free design examination as a requirement for a Professional Engineers license.

Comity Rule Update

The comity rule's aim is to make it faster for candidates from other jurisdictions with substantially equivalent credentials to get a license in Wisconsin.

Examination Review Update

After NCEES changed the examination from essay to multiple choices, they do not allow a review of the NCEES examination. The Section repealed A-E 6.05(9)(a)(b) and A-E 4.08(7)(a)(b) on examination review to eliminate the availability of the engineer applicants to review his/her failed examination.

Continuing Education

The Section is still in the process of discussing continuing education.

LAND SURVEYORS SECTION

(Rick Van Goethem Chair; James Rusch, Vice Chair; Robert Hoskins, Secretary; and Matthew Janiak)

State Jurisdictional Hearing

Rick Van Goethem reported that the Section had a hearing to amend A-E 6.05(1) and (2)(b), and A-E 6.07 (1) and (2), relating to changing the name of the examination from the principles and practice examination to the state jurisdictional examination.

Examination Review Update

The Section is working on eliminating the availability of the land surveyor to review his/her failed examination as NCEES no longer allows candidates to review a failed examination.

Continuing Education

The Section is currently discussing continuing education.

Other Issues Raised Related to Administrative Rules

A professional group of land surveyors will be convening to look at all the A-E rules to get them up-to-date and clean up some of the language.

LANDSCAPE ARCHITECTS SECTION

(Jay Fernholz Chair; Wayne Tlusty, Vice Chair; Ruth G. Johnson, Secretary; Rosheen Styczinski, and Bernie Abrahamson)

Continuing Education

Jay Fernholz reported that the Section supports the pursuit of requiring continuing education. The Section's approach is to have zero impact dollars on costs to the Department by having the Section

members approve the continuing education providers and continuing education credits at their regularly scheduled Section meeting.

Revisions of 443.035- Examination Requirements

Mr. Fernholz reported that the Section is discussing examination requirement changes in order to allow a candidate seeking licensure to take the examination prior to completing the two years of experience requirement. This will require a statute change to ss 443.035.

CLARB has established regional test centers. Wisconsin requires a degree plus two years of experience prior to allowing a candidate to sit for the examination. Some jurisdictions do not require experience hours prior to letting candidates sit for the examination. Candidates are sitting for the examination at regional test centers prior to being eligible for licensure in Wisconsin because they have yet to meet the two-year experience requirement.

The Board agreed that a candidate's success rate is higher on examinations when they are closer to graduation from school.

Other Issues Raised Related to Administrative Rules

None.

DESIGNERS SECTION

(James Dorn, Char; Scott Berg, Vice Chair; Michael Ohberg, Secretary; and Donna Rozar)

Continuing Education

James Dorn reported that the Designers Section supports continuing education and that the Section is working on legislation to change sub fields on ss 443.07. The last request for legislation was in September 2002. Correct problem by eliminating the reference to sub fields ss. 443.07(3)(5) stats. to allow the board to designate fields of technology only. Eliminate the 12 year experience 35 years of age licensure alternative by repealing ss 443.07(1)(b) stats. Amend the academic equivalency at ss. 443.01(2) stats. to establish that the completion of academic course work in other than engineering technology be considered equivalent of not more than three years of qualifying experience. This proposal for legislation was introduced in 1999 under LRB-0734 and 1997 under Assembly Bill 655.

The Department has not drafted statute changes. The Section will be discussing statute changes at their December 14, 2004 Section meeting.

Other Issues Raised Related to Administrative Rules

None.

DEPARTMENT LEGISLATIVE/RULES UPDATE

RL 4.01 Criminal Background Checks – Emergency Rule

Mr. Lowrie reported that the emergency rule is in response to federal public law which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule making by the Department to conduct investigations

whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require a credential holder to be photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

The Board questioned the number of times the Department has invoked the emergency rule by asking for fingerprints and photographs. Steven Gloe, General Counsel for the Department met with the Board and answered questions regarding the emergency rule.

SECTION MEMBER REPORTS

Architects (James Otto, Chair)

Mr. Otto reported that he and Walter Wilson attended the 2004 NCARB Annual Meeting and Conference in Portland, OR on June 23-26, 2004. Highlights of the meeting and conference included: reciprocity impediments, ARE Committee work, NCARB's Regional dues are increasing by \$500.00 per year for the next two years 2005-06, and NCARB would like to become the international licensing authority where an architects will be able to move from state to state with only an NCARB certificate.

There are currently no vacant positions on the Architect Section. The public member's term expired on July 1, 2004. The public member may continue to serve until a replacement is appointed.

The Architect Section would like to hold a section meeting at the UW-Milwaukee, School of Architecture. The School is open to hosting a section meeting.

The Wisconsin Architect Section will be hosting the Region IV, Region II Joint meeting at the Pfister Hotel in Milwaukee on March 10-12, 2005. The icebreaker will be at the Milwaukee Art Museum. The program will be forensic architecture.

Landscape Architects (Jay Fernholz, Chair)

Mr. Fernholz represented Wisconsin as a member of the CLARB's Region II Board of Directors for the past 10 years but will not be serving another term. Mr. Fernholz and Rosheen Styczinski attended the CLARB's Annual meeting held on September 23-25, 2004 in Philadelphia, PA. Highlights of the meeting included: problems relating to the C/LARE examination, state membership costs, costs of examination, reduction in the cost of travel time for examination candidates. Complaints in Region II consisted of item-related issues, equipment problems, exam administration facilities that included noise, power outages, temperature, tables, and proctors. A number of applicants were given the option of retaking a free examination if they felt that the facility or computer errors affected their examination scores.

Wisconsin Chapter of ASLA is making progress is pursuing the change of our title act in landscape architecture to a practice act.

The Section met in October and is pursuing cost free continuing education. The Section is interested in conducting a Section meeting at the UW-Madison in 2005.

Designers (James Dorn, Chair)

James Dorn reported that the Section elected officers at their July 28th meeting and will be meeting again on December 14th. The Section has one public member vacancy.

Professional Engineers (Lynda Farrar, Chair)

Lynda Farrar reported that the Section conducted a Section meeting at the UWP-Platteville Engineering School on April 22, 2004. Recruitment staff, professors, engineers from the city of Platteville, and alternating classes of students and faculty members attended parts of the meeting. Having a pre-meeting prior to the Section meeting at UWP campus was successful. Questions and answers took place from students and faculty members.

The Section's previous meeting conducted at the UW-Madison was not as successful. Three students, one professor, one Assistant Dean, and one UW Extension member attended. The UW-Madison invited the Section back to the UW to host another Section meeting. The Section may not conduct a Section meeting at the UW-Madison as they have already been there, so will look for another UW School of Engineering.

The Section granted Department staff the authority to review applications to alleviate the Board members reviewing every application. The Section will continue to review questionable applications.

Mr. Lowrie represented the Section at the NCEES meeting in Cleveland, OH. The Section's meeting on December 9, 2004 will include a guest who will discuss requirement of a master's degree for civil engineers and another guest from the Department of Transportation to discuss electronic signatures.

Land Surveyors (Rick Van Goethem, Chair)

Rick Van Goethem reported that the Section meets two times a year and currently has one public member vacancy.

The Section will be reviewing RFP's for the testing agency that oversees NCEES tests. The Section will be looking over proposals for a new contractor.

The Section continues to recommend to the Department that they allocate funds to send one land surveyor section member, one professional engineer section member and the Bureau Director to the August 2005 NCEES national and the April 2005 NCEES zone meetings. NCEES will fund one member.

NEW BUSINESS

The Board questioned the Departments travel policy. The Department will fund *one* Section member from each Section to attend *one* meeting per fiscal year (*July 1, 2004 through June 30, 2005*). The individual Sections can vote on which meeting they will send one representative to during the fiscal year.

MOTION: Martin Hanson moved, seconded by Donna Rozar, to request that the Department provide funding for one engineer section member, one land surveyor member, and the Bureau Director to attend the NCEES annual meetings and the NCEES zone meetings. Motion carried unanimously.

OTHER SUCH ITEMS AS AUTHORIZED BY LAW

The Board discussed sanctions against non-responders to complaints. Prior to the Board issuing sanctions against non-responders to complaints, the rules would need to be changed.

VISITORS COMMENTS

None.

ADJOURNMENT

MOTION: James Dorn moved, seconded by James Rusch to adjourn the meeting at 11:50 a.m. Motion carried unanimously.

Next meeting - April 13, 2005